

E-01345A-10-0394

E-01345A-12-0290

E-01933A-12-0296

E-04204A-12-0297

ORIGINAL



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ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

Investigator: Richard Martinez

Phone:

Fax:

Priority: Respond Within Five Days

Opinion No. 2013 - 112811

Date: 9/16/2013

Complaint Description: 08A Rate Case Items - Opposed
N/A Not Applicable

First:

Last:

Complaint By: Verla R.

Donovan

Account Name: Verla R. Donovan

Home: (000) 000-0000

Street:

Work:

City: Tucson

CBR:

State: AZ Zip: 85743

is:

Utility Company: Tucson Electric Power Company

Division: Electric

Contact Name:

Contact Phone:

Nature of Complaint:

Docket Nos.: E-01933A-12-0296
E-04204A-12-0297
E-01345A-10-0394
E-01345A-12-0290

Arizona Corporation Commission
DOCKETED

SEP 18 2013

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September 13, 2013

RE: REST, TEP and new Tariff

Arizona Corporation Commission
400 W. Congress, 2nd Floor
Tucson, AZ 85701

Dear Mr. Pierce, Ms. Burns, Mr. Stump, Ms. Bittersmith and Mr. Burns:

I am writing to ask you respectfully to rescind your order of March 21, 2013, Decision 73637, allowing Tucson Electric Power (TEP) to apply the REST tariff (tax) to those of us whose solar panel green energy systems were installed after January 1, 2012. I am making this request on the basis that:

1. This decision is unconstitutional under both federal and state law;
2. This decision is blatantly discriminatory;
3. This decision is post facto and therefore also illegal
4. The buyers or lessors of solar systems whose contracts weren't complete on before January 1, 2013 due to TEP's and the ACC's inaction were not given notice of any kind that this law would be forthcoming, nor did TEP

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attempt in any way to notify its customers of the law until after the fact when it was a done deal.

Like probably many solar customers, we were "caught" in the crack in negotiations with Solar City when TEP summarily announced without warning that they had run out of money for incentives for installation of solar residential projects in 2011. Installation was put on hold while you and TEP dithered about what amount TEP could offer in the future. The amount turned out to be 60 cents per kw. Less than a year before our friends who had the exact same system for almost the exact same house received an incentive of \$2.00, yet they, due to the wording of Dec 73637 do NOT have to pay this tax. How is this equal protection under the law? How is this not discriminatory? How is this not just plain unfair? Could it be you were trying to protect some wealthy donors to your campaigns?

We contend that you threw a bone to TEP to quiet them down when you did not allow the full increase in delivery charges they wanted last Spring. And they don't want to talk about it. In fact when I called them to ask about it, their representative was just plain rude and very reluctantly agreed to mail me the decision, which I could not find on your website.

One additional point is the amount of the tax (call it a tariff if you must, it is still a tax.) You have allowed TEP to charge the "average price by class". In other words, you can take all those people in TEP's usage area who run up huge electric bills in the summer, and the few who conserve it in the dog days of summer, and we must pay the average REST that they pay. Meanwhile, we are supplying green energy credits to TEP (which they can sell) and SAVING electricity by generating our own.

Who talked you into this? And by "who" I mean I want the real names and corporation addresses of the lobbyists for TEP. Can't you seen how unfair this is? And how do we know TEP is being honest and fair in their calculations?

In summation, you have done a very bad thing, a very bad thing. You are allowing TEP to bite the hand that feeds them for political reasons. For years TEP has been promoting its green energy programs, urging us consumers to have electricity, go to their website and see all the ways we can help them have energy to sell in the future. And then they reward those of (but only who bought or leased systems after the first of 2012) by taxing us more literally behind our backs. They claim we were sent notices in our bills. I save everything and I found only one such notice and it made no mention of any tax. And this was long after the decision had been made. How many Arizona consumers do you think there are who even know what REST is? Being an attorney, I am probably one of a few dozen who even know what the ACC does besides issue incorporation documents. Furthermore, TEP is doing very well financially and yet they just keep asking for rate increase and you just keep granting them.

PLEASE RESCIND THIS ORDER OR AT THE VERY LEAST MAKE IT APPLY TO ALL RESIDENTIAL AND COMMERCIAL CUSTOMERS WHO EVER RECEIVED AN INCENTIVE FROM TEP AND ALL CONSUMERS AND PUT INTO WRITING THE TARIFF FORMULA THAT IS OPEN TO THE PUBLIC AND EASY TO READ FOR THE CALCULATION ON THE TAX. THIS IS THE ARIZONA NOT THE ELECTRIC COMPANIES. YOU SHOULD ALSO REQUIRE TEP TO SEND OUT A FACT SHEET ON WHAT IT REALLY DOES WITH THE MONEY.

Please don't blow me off with a "thank you for sharing your opinion. If you do, I personally will make sure everyone I know and those political groups who work on such matters make this known when you are all up for re-election, namely that you pass unconstitutional decisions and you don't care because the average citizen doesn't truly know what to do.

Sincerely,

Verla R. O'Donovan

Tucson, AZ 85743

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

9/17/13

Emailed to the Phoenix ACC office for docketing.

FILE CLOSED.

End of Comments

Date Completed: 9/17/2013

Opinion No. 2013 - 112811
